



**MILPITAS CITY COUNCIL MEETING AGENDA
APRIL 3, 2007**

**6:30 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)
455 E. CALAVERAS BOULEVARD**

SUMMARY OF CONTENTS

I. CALL TO ORDER/ROLL CALL (6:30 p.m.)

II. ADJOURN TO CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING

(Pursuant to CA Government Code §54957.6) City Negotiator: Carmen Valdez

Employee Groups: Milpitas Employees Association (MEA), Milpitas Supervisors Association (MSA)

Under Negotiation: Wages, Hours, Benefits, and Working Conditions

III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Govt. Code Section 54957.1, including the vote on abstention of each member present

IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)

V. INVOCATION (Vice Mayor Livengood)

VI. APPROVAL OF MINUTES (March 20, 2007)

VII. SCHEDULE OF MEETINGS – COUNCIL CALENDAR

VIII. PRESENTATIONS

Proclamations:

National Community Development Block Grant Week, April 9-15, 2007

National Young Child & Child Abuse Prevention Month – April 2007

Presentation

Child Welfare League of America's Children's Memorial Flag

IX. PUBLIC FORUM

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

X. ANNOUNCEMENTS

XI. ANNOUNCEMENT OF CONFLICT OF INTEREST

XII. APPROVAL OF AGENDA

XIII. CONSENT CALENDAR (Items with Asterisks*)

XIV. UNFINISHED BUSINESS

- * 1. Odor Control Comprehensive Action Plan Update (Staff Contact: Kathleen Phalen, 586-3345)

XV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor/Chair

RA2. Roll Call

RA3. Approval of Minutes (March 20, 2007)

RA4. Approval of Agenda and Consent Calendar

- ***RA5. Adopt Resolution Approving the Execution of a Memorandum of Understanding (MOU) with MIL Aspen Associates, a California Limited Partnership (Global Premier Development, Inc., General Partner) for Aspen Apartments Project - 101 Units of Affordable Housing (Staff Contact: Felix Reliford, 586-3071)**

RA6. Agency Adjournment

XVI. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

- 2. Consider Resolution to Oppose Senate Bill 49, Regarding Financial Support of Sports Stadium Projects (Contact: Vice Mayor Livengood, 586-3027)

Facilities Naming Subcommittee

- 3. Approve Recommendations From the Facilities Naming Subcommittee to Name the Future Milpitas Bay Area Rapid Transit Stations, Three Public Streets, and Display Acknowledgment Plaques in the City Hall Lobby (Staff Contact: Mark Rogge, 586-3403)

Senior Center Facilities Subcommittee

- 4. Approve the Senior Center Facilities Subcommittee's Recommendation of a Conceptual Alternative for the Milpitas Civic Senior Center, Project No. 8176 (Staff Contact: Bonnie Greiner, 586-3227)

XVII. NEW BUSINESS

- 5. Analysis and Comparison of an Internal Attorney Group Versus Contract City Attorney Services (Staff Contact: Tom Williams, 586-3050, and Carmen Valdez, 586-3086)
- 6. Receive Report on AT&T Project Lightspeed (Staff Contact: Diana Whitecar, 586-3059)
- * 7. Authorize the Purchasing Agent to Dispose of a Surplus Vehicle (Staff Contact: Bart Damele, 586-3162)
- * 8. Authorize the Public Works Director to Submit a Grant Application for Calaveras Boulevard Widening Project (Staff Contact: Greg Armendariz, 586-3317)

XVIII. ORDINANCES

- * 9. Waive Second Reading and Adopt Traffic Ordinance 43.206: Amendment to Section V-100-12.15 of the Milpitas Municipal Code "Vehicles Exceeding a Height of Six (6) Feet Prohibited From Parking" (Staff Contact: Jaime Rodriguez, 586-3335)

- * 10. Waive Second Reading and Adopt Traffic Ordinance 43.207: Amendment to Section V-100-15.06 of the Milpitas Municipal Code “Parking Time Limited on Certain Enumerated Streets” (Staff Contact: Jaime Rodriguez, 586-3335)

XIX. RESOLUTIONS

- * 11. Adopt Resolution Requesting the Allocation of Grant Funding from the Santa Clara Valley Transportation Authority Community Design for Transportation Capital Grant Program and Appropriate Grant to N. Main Street Midtown Streetscape Improvements, Project No. 8165 (Staff Contact: Jaime Rodriguez, 586-3335)
- * 12. Adopt Resolution Authorizing the Implementation of the Santa Clara Valley Water Resources Protection Collaborative Guidelines and Standards for Land Use Near Streams (Staff Contact: Mehdi Khaila, 586-3329)

XX. BIDS AND CONTRACTS

- * 13. Award Construction Contract to Precision Engineering for the Sewer Deficiency & Structural Correction Program – Open Cut Phase 3, Project No. 6073 (Staff Contact: Greg Armendariz, 586-3317)
- * 14. Award the Bid for On-Call Street Light and Traffic Signal Maintenance to Cal-West Lighting (Staff Contact: Bart Damele, 586-3162)
- * 15. Authorize the City Engineer to Execute a Contract Change Order for Sidewalk Replacement 2007, Project No. 4235 (Staff Contact: Andrew Brozyna, 586-3315)
- * 16. Approve Agreement for Commercial Recycling Outreach with Pat Davis Design Group (Staff Contact: Leslie Stobbe, 586-3352)
- * 17. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals: Milpitas Communications Enhancement – Phase I, Project No. 4232 (Staff Contact: Jaime Rodriguez, 586-3335)
- * 18. Authorize the City Manager to Execute Agreement with Dodson Psomas for Gibraltar Pump Station and Reservoir Improvements, Project No. 7101 (Staff Contact: Greg Armendariz, 586-3317)
- * 19. Approve Consultant Agreement with RBF Consulting for Abbott Avenue Storm Drain Improvements, Project No. 4224 (Staff Contact: Andrew Brozyna, 586-3315)

XXI. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, APRIL 17, 2007, AT 7:00 P.M.**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE,

CONTACT THE OPEN GOVERNMENT SUBCOMMITTEE

at the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

E-mail: rpioroda@ci.milpitas.ca.gov / Fax: 408-586-3030 / Phone: 408-586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website www.ci.milpitas.ca.gov, select Open Government Ordinance under News Features.

BECOME A CITY COMMISSIONER!

Currently, there are openings on the following Commissions:

Bicycle Pedestrian Advisory Commission

Community Advisory Commission

Economic Development Commission (rep. for Hotel Industry)

Mobile Home Park Rental Review Board

Planning Commission

Recycling & Source Reduction Advisory Commission (2 alternates)

Applications are available online at www.ci.milpitas.ca.gov or outside the City Council Chambers.

Contact the City Clerk's Office (586-3003) for more information.

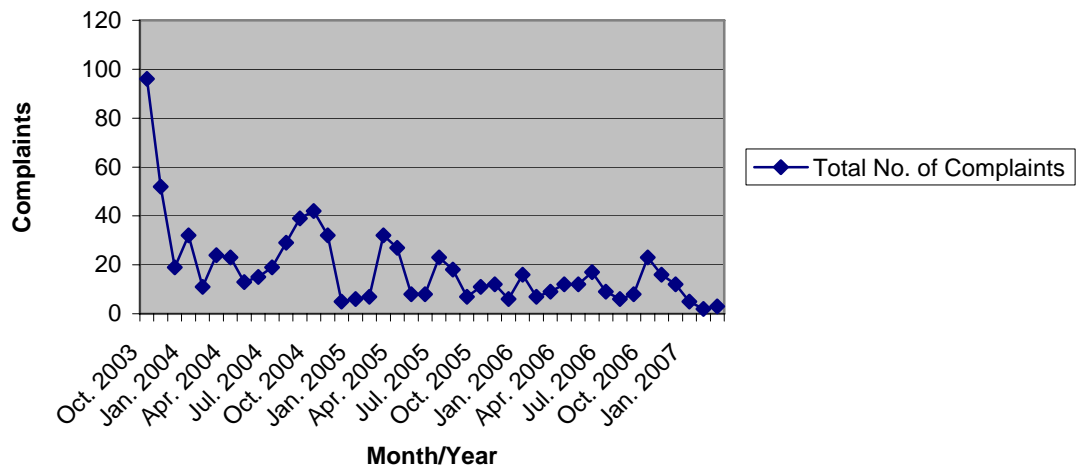
AGENDA REPORTS

XIV. UNFINISHED BUSINESS

- * 1. **Odor Control Comprehensive Action Plan Update (Staff Contact: Kathleen Phalen, 586-3345)**

Background: The Bay Area Air Quality Management District (BAAQMD) Rapid Notification system continues to e-mail real-time odor complaint advisories to potential odor sources and City staff. Complaints have remained low as shown in the graph below.

October 2003 - March 26, 2007 Odor Complaint Summary



Recommendation: Receive the progress report on odor control.

XV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor/Chair

RA2. Roll Call

RA3. Approval of Minutes (March 20, 2007)

RA4. Approval of Agenda and Consent Calendar

- ***RA5. Adopt Resolution Approving the Execution of a Memorandum of Understanding (MOU) with MIL Aspen Associates, a California Limited Partnership (Global Premier Development, Inc., General Partner) for Aspen Apartments Project - 101 Units of Affordable Housing (Staff Contact: Felix Reliford, 586-3071)**

Background: At its meeting on August 1, 2006, the Milpitas Redevelopment Agency authorized staff to enter into negotiations with Global Premier Development, Inc. to consider financial assistance for the proposed affordable housing project. The subject property will be located at 1666 South Main Street. At its meeting on March 14, 2007, the Planning Commission approved the entitlement applications for the Aspen Apartments project. The Commission was expected to approve the tentative map at the March 28, 2007 meeting. The property will be developed with 101 multi-family rental units, in which 100 of the units will be affordable to very low-income

households at 50% or below the Area Median Income (AMI). The units will consist of 50 2-bedroom and 50 3-bedroom units and one 2-bedroom manager unit. The developer, MIL Aspen Associates, has obtained an allocation of approximately \$24 million in state and federal low income housing tax credits from the, California Tax Credit Allocation Committee (CTCAC) and is seeking a \$2,300,000 loan from the Redevelopment Agency 20% Housing Set-Aside Funds to financially assist the project. The proceeds of the Agency loan would be used to pay project impact fees - park in-lieu, traffic, off-site improvements, water and sewer. The developer has requested deferral of payment of these fees until the closing of the permanent financing for the Project, up to a maximum of 24 months.

Request for Financial Assistance-Redevelopment Agency

In summary, Global Premier is seeking financial assistance from the Agency in the amount of \$2,300,000, in the form of a low-interest rate (5%) loan to assistance in the payment of the following developer impact fees:

Park In-Lieu Fee	\$1,961,155
Traffic Impact Fee	\$54,313
Off-Site Improvement Fee	\$51,840
Water Facilities Fee	\$79,022
Waste Water Treatment Fee	\$68,488
Waster Water Collection Fee	\$87,001
Drainage Facilities Fee	<u>\$45,114</u>

Total: \$2,346,933 (Note: Maximum Agency Loan is \$2.3 million)

The Memorandum of Understanding (MOU) establishes the preliminary terms and conditions of the financial assistance from the Redevelopment Agency in return for long-term affordability in the project. The 100 affordable housing units must remain affordable for a period of 55 years, as required by the Agency and CTCAC. The developer will be required to start paying off the Agency's loan commencing in the first year in which the project generates surplus cash (excess of revenue over the operating expenses). The loan will accrue interest at the rate of 5% compounded annually. The loan will be payable in annual installments on a residual receipt basis with fifty percent (50%) of all surplus cash payable to the Agency toward principal and accrued interest. The entire outstanding balance of the loan together with accrued interest will be due and payable on the thirtieth (30th) anniversary of the origination date. The Agency will have the right of first refusal and option to purchase the project in year 16 (following expiration of the tax credit compliance period). If the developer pays off the loan in full prior to that time, the Agency's option and refusal right would expire; however, the regulatory agreement would remain effective for its full 55 year term.

Upon the approval of the MOU, staff will prepare, for the Agency Board approval, an Owner Participation Agreement (OPA) which will provide the details of the financial agreement and term and conditions agreed upon by the Redevelopment Agency and the developer.

Recommendations:

1. Adopt the Resolution approving execution of a Memorandum of Understanding between the City, the Milpitas Redevelopment Agency and MIL Aspen Associates, establishing general terms and conditions of the Agency's financial assistance for Aspen Apartments project.
2. Direct staff to prepare an Owner Participation Agreement (OPA), related loan documents, and a Regulatory Agreement for Aspen Apartments.

RA6. Agency Adjournment

XVI. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

2. Consider Resolution to Oppose Senate Bill 49, Regarding Financial Support of Sports Stadium Projects (Contact: Vice Mayor Livengood, 586-3027)

Background: Vice Mayor Livengood requests that the City Council consider opposing current legislation in the state Senate affecting cities.

In the agenda packet for Council review are a draft resolution, editorial article from the San Jose Mercury News, and the text of the legislative bill.

Recommendations:

1. Hear report of Vice Mayor Livengood.
2. Adopt Resolution opposing California State Senate Bill 49, prohibiting a local agency or redevelopment agency from providing financial assistance to a sports stadium project, under certain conditions.

Facilities Naming Subcommittee

3. Approve Recommendations from the Facilities Naming Subcommittee to Name the Future Milpitas Bay Area Rapid Transit Stations, Three Public Streets, and Display Acknowledgment Plaques in the City Hall Lobby (Staff Contact: Mark Rogge, 586-3403)

Background:

The Facilities Naming Subcommittee met on March 21 and requested that several recommendations be forwarded to the City Council. Draft (unapproved) minutes of the meeting are included in the agenda packet.

BART Station Naming

The Transportation Subcommittee directed staff to pursue naming the BART station at Montague and Capitol, formerly referred to as the “Montague/Capitol Station, as the “Milpitas BART Station,” to better identify the station. A future un-funded BART station, south of Calaveras Boulevard and west of Milpitas Boulevard, is identified in the BART project as well. The station near Calaveras and Milpitas Boulevards should be named “Milpitas Midtown BART Station” due to its location. The Facilities Naming Subcommittee met on February 21, 2007 and concurred with the recommendations. A letter will be prepared for the Mayor’s signature to request that the VTA incorporate the recommended names.

Acknowledgment Plaques in City Hall Lobby

Each year people are acknowledged in the categories of: Citizen of the year; Firefighter of the year; and Police Officer of the year. Recently this selection process has been sponsored by the Knights of Columbus and in the past by the Chamber of Commerce. Lou Horyza, Milpitas resident and Knights of Columbus member, requested that the plaques be displayed in the City Hall lobby. The Subcommittee requested that this item be brought before the City Council with consideration of the location for such a display. Staff recommended that items could be hung on standard drywall portions of the lobby, avoiding the walls made of either natural limestone or curved integral color plaster (rotunda).

Aspen Apartments – Three Public Streets

The developer of Aspen Apartments near 1666 South Main Street has requested three new street names in accordance with the City’s policy. The names Mihalakis Street; Diaz Street; and Costa Street were selected by the developer and recommended for approval by the Subcommittee. Since Michael G. Mihalakis is a veteran who lost his life in the Iraq conflict, the street sign would

also include a small flag designating his veteran's status. His family was notified of this recommendation.

Recommendations:

1. Approve the name "Milpitas BART Station" for the planned BART Station at Montague/Capitol Expressway, and the name "Milpitas Midtown BART Station" for the future BART station near Calaveras/Milpitas Boulevards, and send those requests to the VTA.
2. Consider the placement of acknowledgment plaques in the City Hall lobby and provide staff with direction.
3. Approve the names Mihalakis Street, Diaz Street, and Costa Street for the Aspen Apartments development near 1666 South Main Street, as shown on the Street Naming Plan map.

Senior Center Facilities Subcommittee

4. Approve the Senior Center Facilities Subcommittee's Recommendation of a Conceptual Alternative for the Milpitas Civic Senior Center, Project No. 8176 (Staff Contact: Bonnie Greiner, 586-3227)

Background: In August 2006, the City Council awarded a consultant contract to Noll and Tam Architects for design of the new Milpitas Senior Center, Project No. 8176. The completed project will provide the design and construction of a permanent Senior Center facility, which will replace the current interim center located at the Sal Cracolice site on Abel Street. The existing Library building is targeted for remodeling to serve as the new Senior Center. In fall 2006, the consultant team evaluated community needs, invited public input and assessed the condition of the library building.

The evaluation process found that the current Library footprint is not suited to accommodate both the desired senior programs and facilities, and the community's desire for a large community hall that can host larger banquets. It also indicated that in order to properly plan for longer-term needs, the Community Center's proximity and facilities should be taken into consideration. In December, the Senior Center Facilities Subcommittee ("Subcommittee") recommended conducting an expanded evaluation of the Community Center in conjunction with the Library/Senior Center to assess joint opportunities and constraints. This exploration was approved by the City Council at its December 19, 2006 meeting as an amendment to the Noll and Tam Architects consultant services agreement. The additional work included an evaluation of the Community Center, community hall/ banquet options, parking assessment, site layouts coordinated with the Senior Center, phasing opportunities, and conceptual costs.

On February 27, 2007, the Subcommittee reviewed the conceptual alternatives that resulted from the joint evaluation. Senior Center Option 1 involves remodeling the existing library building, and staying within both the current building footprint and the current budget. The community hall in this option would seat 150-180 persons for banquets. The Subcommittee strongly preferred a larger "Renovate and Expand" option for the Senior Center. It involves adding a wing to the current library building therefore providing for a larger 250- to 300-person community hall. This option provides not only a larger hall for group activities and banquets, but also a longer program life for meeting senior needs. However, this option exceeds the existing budget and would require significant additional funding. There would also be an on-site parking shortfall in the case of large special events occurring simultaneously at the Community Center, City Hall and the Senior Center.

The Subcommittee unanimously endorsed selection of the "Renovate and Expand" option, with the condition that the necessary additional funding be identified and appropriated prior to award of a construction contract, later next year. This is the recommendation to the City Council for the new Senior Center.

The Subcommittee also supported looking at opportunities to expand parking capacity at the Civic Center, including consideration of a structure. Finally, the Subcommittee expressed interest

in looking at opportunities to integrate the Community Center auditorium space with the Senior Center community hall if feasible, so that large-scale events could be hosted.

Should the “Renovate and Expand” option for the Senior Center be considered and additional funding is not available, a phasing alternative exists which would include modifying and renovating the existing building within the existing footprint. This option could be designed and constructed to allow eventual addition of the new wing and the expanded community hall in the future. Other desirable elements that cannot be provided within the current budget, such as site circulation improvements, covered dropoff, patio, exterior architectural upgrades, and upgrades to fixtures and furnishings, could also be added in the future as funding becomes available. This phasing approach would allow improvements and a building expansion to be added to the Senior Center when additional funding is identified.

The project team will provide a presentation describing alternatives in more detail for the Council’s consideration.

Recommendations:

1. Receive staff report.
2. Approve the Senior Center Facilities Subcommittee’s recommendation of the “Renovate and Expand” concept for the Milpitas Civic Senior Center, Project No. 8176.

XVII. NEW BUSINESS

5. Analysis and Comparison of an Internal Attorney Group Versus Contract City Attorney Services (Staff Contact: Tom Williams, 586-3050, and Carmen Valdez, 586-3086)

Background: The City Council requested that staff prepare an analysis comparing the costs, including benefits, of in-house City Attorney staff versus contracting for City Attorney services. The City Attorney Subcommittee has met and discussed these alternatives along with their associated costs and benefits on several occasions but has not made a recommendation.

Staff obtained information from other agencies and the law firm Meyers Nave, then created a report comparing the total estimated costs of an internal staff for the City Attorney’s office versus contracting out those services. Included in the City Council agenda packet are the reports detailing the results of the analysis along with the report created by Meyers Nave.

The projected cost to staff the City’s attorney’s office with internal staff is approximately \$687,338. This includes:

<u>Classification</u>	<u>Salary & Benefits</u>
1 FTE - City Attorney	\$228,446
2 FTE - Assistant City Attorney (\$173,590 x 2)	\$347,180
1 FTE - Secretary	<u>\$111,712</u>
Total	\$687,338

The current contract attorney base budget for FY 06-07 is \$616,420. The base budget includes expenses for general City Attorney and Redevelopment Agency legal services including contract reviews, legal opinions, ordinance and resolution preparation, and review, development cost recovery, code compliance issues, and general legal assistance to the City Council, Commissions and staff. In addition, the City Attorney’s department approved 2006-2007 budget includes \$100,000 for labor arbitration and grievance hearings and \$70,000 for labor negotiation services, resulting in a total department base budget of \$788,460 excluding unexpected litigation costs and construction claims.

The following table provides a summary of the cost incurred through January 2007.

Legal Services**FY 06-07**

	<u>Average Rate</u>	<u>Hours</u>	<u>Expense</u> (7 Months)	
General City Attorney Services	\$169	1,702	\$287,689	*
(includes contract review, legal opinion, ordinance compliance issues and employment contracts)				
Developers agreements	\$211	413	\$87,200	*
(cost recoverable by applicant)				
Labor Negotiation/Arbitration/Grievance Services	\$214	182	\$39,012	*
(includes MOU negotiation with the unions, MPOA, IAFF, MSA, MEA, ProTech, LIUNA, MMC and personnel grievances)				
(Base Budget=\$788,460) Subtotal			\$413,901	
Legal Services – Public Works construction claims	\$214	3,145	\$672,972	**
(includes Turner, RRM Design & Aztec, Albert V Witt Jr. and Pacific Bell)				
Grand Total		5,443	\$1,086,873	

* Amounts reflect invoices through January 2007

** Amounts reflect invoices through December 2006

The City Attorney Subcommittee is requesting that the City Council consider the information gathered by staff as well as the data prepared by the staff from Meyers Nave and provide additional direction to staff.

Recommendation: Discuss the information provided by City staff and by Meyers Nave; then, provide direction to staff on the matter of City Attorney services.

6. Receive Report on AT&T Project Lightspeed (Staff Contact: Diana Whitecar, 586-3059)

Background: Project Lightspeed is the AT&T initiative that provides competitive media (cable and video) services to residential customers within cities AT&T currently serves. AT&T received State Public Utilities Commission approval for a statewide franchise to provide these services as a result of 2006 legislation, AB 2987. AT&T has provided telephone services to Milpitas for many years and as an existing client, Milpitas is scheduled to receive these expanded consumer services during the next twelve to eighteen months once encroachment permits are issued.

Over the last few months, AT&T has worked with the City to resolve concerns about specific locations of the new service boxes, notification procedures to surrounding property owners and other public right-of-way encroachment issues. As resolution of these issues is near, AT&T representatives and staff wanted to provide an update of the project status to the Council for further input before proceeding.

Currently AT&T has 120 Service cabinets in the Milpitas public rights-of-way serving both residential and commercial customers. They anticipate installing approximately 80 – 90 new cabinets to provide their media services to residential users. AT&T believes that most of the new

cabinets will be located near the existing cabinets, but specific locations will be established on a local permit by permit basis. As part of the permitting process, AT&T will notify the surrounding property owners in writing three weeks in advance of the installation and will send a second notice at least 48 hours before commencement of the proposed construction.

Staff has contacted other cities that AT&T is currently installing the Lightspeed boxes and all communities (Palo Alto, Cupertino and Saratoga) have indicated that they have received very few complaints from citizens about cabinet locations. AT&T and the City have successfully resolved each issue.

The Lightspeed cabinets will be bigger than existing AT&T service cabinets, as the technology is more advanced. They will stand approximately 48” high x 49” deep x 41” wide and will be protected by decorative bollards. There will be a fan in each box and noise studies demonstrate that it is consistent with local noise regulations. AT&T will maintain the boxes to reduce possibility for damage to the internal components.

The legislation approving the Statewide franchise for these services provides for local government entities to receive up to 1% of revenues for the AT&T media services as well as Public Education and Government (PEG) revenues. Staff and AT&T do not have an estimate of the level of revenue anticipated or the impact on the existing City franchises with other cable services. Staff will continue to work with AT&T to develop projections for use in budget projections.

Representatives of AT&T will attend the City Council meeting to make a brief presentation and answer any questions the Council may have regarding this project.

Recommendation: Accept the update and provide direction to staff and AT&T regarding Project Lightspeed.

- * 7. **Authorize the Purchasing Agent to Dispose of a Surplus Vehicle (Staff Contact: Bart Damele, 586-3162)**

Background: The City owns one vehicle that has reached the end of its useful life. The estimated value of the 1993 Mercury Cougar VIN 1MEPM62TXPH662093, license # 1214345, is \$2,000. Staff requests authorization to dispose of the vehicle at auction, pursuant to section I-2-8.03 of the Municipal Code “Disposal of More Than \$ 1,000.”

Recommendation: Approve the request to dispose of the surplus vehicle 1993 Mercury Cougar.

- * 8. **Authorize the Public Works Director to Submit a Grant Application for Calaveras Boulevard Widening Project (Staff Contact: Greg Armendariz, 586-3317)**

Background: At the March 20, 2007 Council meeting, staff presented to the Council an update on the Plan Study Report for widening of Calaveras Boulevard between Milpitas Boulevard and Abbott Street. This project is identified in the Valley Transportation Plan 2030 (VTP 2030). The Valley Transportation Authority (VTA) has sent the City a “call for grant applications” for projects on the VTP 2030 list.

VTA, as part of the application, is requesting an acknowledgment of staff authorization by the City Council.

Recommendation: Authorize the Public Works Director to Submit a Grant Application for the Calaveras Boulevard Widening Project.

XVIII.

ORDINANCES

- * 9. **Waive Second Reading and Adopt Traffic Ordinance 43.206: Amendment to Section V-100-12.15 of the Milpitas Municipal Code “Vehicles Exceeding a Height of Six (6) Feet Prohibited From Parking” (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: Subsection V-100-12.15 of the Milpitas Municipal code restricts vehicles exceeding a height of six (6) feet from parking within one hundred (100) feet of the intersection. Staff recommends amending this section to allow the restriction to extend beyond just 100-ft an intersection as appropriate based upon an engineering study.

The revised title would read: V-100-12.15 – Vehicles Exceeding a Height of Six (6)-Feet Prohibited from Parking.

The ordinance (copy included in the agenda packet) was introduced at the March 20, 2007 Council meeting, and the Council is now requested to adopt the ordinance.

Recommendations:

1. Waive second reading of the Traffic Ordinance No. 43.206 “An Ordinance of the City of Milpitas Amending Chapter 100, Title V of the Milpitas Municipal Code Related to Traffic.”
2. Adopt Traffic Ordinance No. 43.206.

- * 10. **Waive Second Reading and Adopt Traffic Ordinance 43.207: Amendment to Section V-100-15.06 of the Milpitas Municipal Code “Parking Time Limited on Certain Enumerated Streets” (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: This ordinance amends Subsection V-100-15.06 of the Milpitas Municipal Code, Parking Time Limited on Certain Enumerated Streets, to remove, modify and add time-limited parking restrictions on City streets.

The ordinance (copy included in the agenda packet) was introduced at the March 20, 2007 Council meeting, and the Council is now requested to adopt the ordinance.

Recommendations:

1. Waive second reading of the Traffic Ordinance No. 43.207 “An Ordinance of the City of Milpitas Amending Chapter 100, Title V of the Milpitas Municipal Code Related to Traffic.”
2. Adopt Traffic Ordinance No. 43.207.

XIX.

RESOLUTIONS

- * 11. **Adopt Resolution Requesting the Allocation of Grant Funding from the Santa Clara Valley Transportation Authority Community Design for Transportation Capital Grant Program and Appropriate Grant to N. Main Street Midtown Streetscape Improvements, Project No. 8165 (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: Milpitas submitted a grant proposal for up to \$1,500,000 to the Valley Transportation Authority (VTA) in response to their call-for-projects for the Community Design for Transportation (CDT) – Capital Grant Program. The proposal was selected for funding by the VTA Board of Directors on December 14, 2006.

The grant will fund the Midtown North Main Street Improvements - Phase II project streetscape improvements along North Main Street between the State Hwy 237 Off-ramp and Carlo Street. The Midtown North Main Street Improvements - Phase II project, identified by the grant proposal and VTA as the Midtown Transportation & Streetscape Improvements Phase I project, includes roadway infrastructure and bicycle/pedestrian-focused streetscape enhancements geared towards

promoting pedestrian and transit access to new community facilities including the public library, county medial facility, and private residential development.

The staff recommendation is to appropriate the new outside funding – VTA CDT Grant for \$1,500,000 and defund \$1,500,000 of the 1997 RDA Bond Funds. This allows the current total project budget of \$8,000,000 for the N. Main Street Midtown Streetscape Improvements, Project No. 8165 to remain at the same amount.

Recommendations:

1. Approve Resolution Requesting the Allocation of Grant Funding from the Santa Clara VTA CDT Capital Grant Program for the Midtown Transportation & Streetscape Improvements Phase II.
2. Appropriate the new outside funding – VTA CDT Grant for \$1,500,000 and defund \$1,500,000 of the 1997 RDA Bond Funds to N. Main Street Midtown Streetscape Improvements, Project No. 8165.

*** 12. Adopt Resolution Authorizing the Implementation of the Santa Clara Valley Water Resources Protection Collaborative Guidelines and Standards for Land Use Near Streams (Staff Contact: Mehdi Khaila, 586-3329)**

Background: On September 16, 2006, the City Council adopted a Memorandum of Consensus for Mutual Cooperation to jointly develop and implement water resources protection measures, guidelines and standards in Santa Clara County. This effort led to the development of the “Guidelines and Standards for Land Use Near Streams” to be applied by local agencies through planning processes to land use activities adjacent to streams.

Once the City adopts and implements the Guidelines and Standards for Land Use Near Streams, the Santa Clara Valley Water District will relinquish to the City its development review of streamside properties except for work within lands held in fee or easement by the District. The Guidelines and Standards for Land Use Near Streams will not apply to single-family parcels of 10,000 square feet or less in size.

Recommendation: Adopt a Resolution authorizing the implementation of the Santa Clara Valley Water Resources Protection Collaborative Guidelines and Standards for Land Use near streams.

XX. BIDS AND CONTRACTS

*** 13. Award Construction Contract to Precision Engineering for the Sewer Deficiency & Structural Correction Program – Open Cut Phase 3, Project No. 6073 (Staff Contact: Greg Armendariz, 586-3317)**

Background: This project provides for the replacement of main sewer pipe lines, due to structural deficiencies, differential settlement, and damage discovered with the City's video inspection program. Replacement of these sewer lines will reduce frequently required maintenance effort. This phase of the project will provide for sewer line replacements at 750 Terra Bella Drive northerly to Valencia Drive; 791 Valencia Drive to 751 Valencia Drive; and Corinthia Drive at Martil Way to 739 Corinthia Drive.

The Engineer's Estimate is \$400,000. The project was advertised and sealed bid proposals were opened on March 22, 2007. The bid proposals ranged from \$335,416.00 to \$486,000.00, and the lowest responsible bidder is determined to be Precision Engineering in the amount of \$335,416.00. Sufficient funds are available in the project budget.

Recommendation: Award Construction Contract to Precision Engineering in the amount of \$335,416.00.

* 14. **Award the Bid for On-Call Street Light and Traffic Signal Maintenance to Cal-West Lighting (Staff Contact: Bart Damele, 586-3162)**

Background: On February 22, staff went out to bid for on-call streetlight and traffic signal maintenance. The Request for Proposal was mailed to ten vendors on Purchasing's vendor list, advertised in the Milpitas Post and on the City web page. The value of the bids is based on a typical sample job the contractor might be called on to perform during the life of the contract.

Three vendors responded and the following is a recap of the bids received:

<u>Bidders</u>	<u>Total Bid</u>
1. Cal-West	\$12,000.00
2. Pacific Electric Company	\$15,553.00
3. Republic ITS, Inc.	\$16,425.00

Funds are available from Capital Improvement Project No. 4109 Street Light & Signal Pole Painting for this purchase.

Recommendation: Award the bid for On-Call Street Light and Traffic Signal Maintenance to Cal-West Lighting and Signal Maintenance and authorize the City Manager to sign a contract for the not to exceed amount of \$100,000, subject to approval as to form by the City Attorney.

* 15. **Authorize the City Engineer to Execute a Contract Change Order for Sidewalk Replacement 2007, Project No. 4235 (Staff Contact: Andrew Brozyna, 586-3315)**

Background: On August 16, 2005, the City Council approved a contract with JJR Construction, Inc. for miscellaneous concrete repair of City sidewalks on an as needed basis. The fund for this repair service is provided by the Sidewalk Replacement 2007, Project No. 4235.

The stretch of Santa Rita Drive between Via Baja and its northerly end is extremely flat creating inadequate drainage along the gutter flow line. To correct this condition, it is necessary to replace approximately 460 lineal feet of curb and gutter along with six underwalk drains and two ADA sidewalk ramps.

Due to the high degree of quality required to perform this work, staff recommends utilizing JJR Construction, Inc., under the current Annual Sidewalk Replacement contract, for these services. JJR Construction, Inc. has successfully performed similar work for the City in the past. In addition, curb and gutter repairs typically precede proposed street resurfacing work for proper construction phasing, and better product quality. Therefore, it is necessary to complete the proposed curb and gutter work by mid-April 2007, prior to the upcoming Street Resurfacing Project 2007, Project No. 4236, which includes an asphalt concrete overlay of Santa Rita Drive. Staff has negotiated a fee not to exceed \$43,000 with the Contractor for this additional work, which staff determined to be reasonable for the degree of quality required.

Approval of a Contract Change Order in the amount of \$43,000 is required to proceed with these improvements. The funds are available in the Street Resurfacing 2007, Project No. 4236.

Recommendation: Authorize the City Engineer to execute the Contract Change Order for JJR Construction, Inc., in the amount of \$43,000.

* 16. **Approve Agreement for Commercial Recycling Outreach with Pat Davis Design Group (Staff Contact: Leslie Stobbe, 586-3352)**

Background: The City's approved Source Reduction & Recycling Element Plan includes Commercial Recycling Program (CRP) outreach to achieve and maintain the State's 50% disposal reduction requirement. A request for proposals to promote commercial recycling was conducted in March 2005. Pat Davis Design Group, Inc. was the lowest bidder from this process and

successfully completed contract requirements. This firm has since completed moderate projects to update materials developed in 2005. To limit research, design and production costs, this marketing and promotions firm can be retained to: 1) continue the "Team Recycle" approach for outreach materials; 2) reuse graphics and coordinate new incentive ideas to encourage existing customers to recycle greater amounts and persuade targeted retail customers to join the CRP, and; 3) begin production of planned outreach through June 30 to coincide with Earth Day, April 22, 2007. Funding for this project is included in the current year Utility Engineering budget.

Recommendation: Approve Agreement for consulting services with Pat Davis Design Group, Inc. in the not-to-exceed amount of \$25,000, subject to approval as to form by the City Attorney.

*** 17. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals: Milpitas Communications Enhancement – Phase I, Project No. 4232 (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: Plans and specifications for the project have been completed in accordance with the approved five-year Capital Improvement Program (CIP). The project provides for the installation of communication cables between the Department of Public Works and the Main Fire Station, including City-maintained traffic signals in between.

The Engineer's Estimate for the work is approximately \$350,000, and it is anticipated that a budget appropriation may be required to award this project for construction. A copy of the project plan title sheet is included in the Council's agenda packets. Complete plans and specifications are available for review in the office of the City Engineer.

Recommendations:

1. Approve plans and specifications for Project No. 4232.
2. Authorize advertising project for bid proposals for the project.

*** 18. Authorize the City Manager to Execute Agreement with Dodson Psomas for Gibraltar Pump Station and Reservoir Improvements, Project No. 7101 (Staff Contact: Greg Armendariz, 586-3317)**

Background: This project is included in the five year Capital Improvement Program. The project provides for equipment upgrades to the pump station, including upgrades required to comply with the latest Bay Area Air Quality Management District regulations. Improvements include replacement of the existing diesel pump drives with electric motors, overhaul of the pumps and installation of new operational controls, to allow the station to operate more efficiently, and various other minor equipment and control improvements.

Staff interviewed the professional consultants in conformance with the City's consultant selection process, and recommends that Dodson Psomas provide the professional engineering and design services required to design the improvements for this project. Staff has negotiated a scope and fee for these services not to exceed \$468,798.00, which is considered reasonable for the work. There are sufficient funds in the project budget.

Recommendation: Authorize the City Manager to execute the agreement with Dodson Psomas, in the amount of \$468,798, subject to approval as to form by the City Attorney.

- * 19. **Approve Consultant Agreement with RBF Consulting for Abbott Avenue Storm Drain Improvements, Project No. 4224 (Staff Contact: Andrew Brozyna, 586-3315)**

Background: In accordance with the City's consultant selection procedures, RBF Consulting has been selected to perform design services for the Abbott Avenue Storm Drain Improvements, Project No. 4224. The scope of services includes engineering design services to provide a complete set of plans and specifications for installation of a new storm drain system on Abbott Avenue, consisting of 600 linear feet of an elliptical reinforced concrete pipe storm drain pipe or equivalent concrete culvert drainage system; and installation of two storm inlets and laterals, and two storm drain manholes. This work also includes reconstruction of an existing storm drain manhole and verification of underground utilities. Staff negotiated a scope and fee for these services for an amount not to exceed \$31,890, which is considered reasonable for this work. There are sufficient funds available in the project budget.

Recommendation: Authorize the City Manager to execute the agreement with RBF Consulting in an amount not-to-exceed \$31,890, subject to approval as to form by the City Attorney.

XXI. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, APRIL 17, 2007, AT 7:00 P.M.**